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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,028	11/26/2001	Chandrasekharan Seetharaman	BEA920010028US1	9618

30011 7590 11/20/2007
LIEBERMAN & BRANDSDORFER, LLC
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GAITHERSBURG, MD 20878

EXAMINER

SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
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2153

MAIL DATE	DELIVERY MODE
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11/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/995,028

Applicant(s)

SEETHARAMAN ET AL.

Examiner

Philip S. Scuderi

Art Unit

2153

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

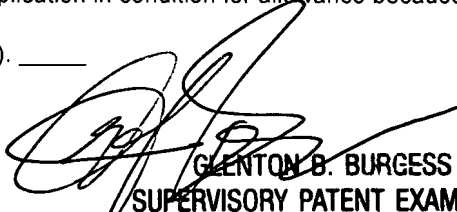
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: 18 and 20.
Claim(s) rejected: 1, 5-8, 12-14 and 17.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

ADVISORY ACTION

Proposed Amendments Not Entered

In the interview conducted on 10/12/2007 the examiner agreed to consider amendments to claim 8 after-final so long as the amendments gave claim 8 substantially the same scope as at least one other independent claim (see Interview Summary mailed 10/17/2007).

The examiner has reviewed the proposed amendments to claim 8 and they do not give claim 8 substantially the same scope as at least one other independent claim. Proposed claim 8 “compare[s] a hardware identifier of said storage media with a hardware identifier field in said label.”

The closest corresponding limitation in claim 1 reads, “matching a node identifier of said requesting node to said node identifier of said label.” And, claims 14 and 18 recite substantially the same limitation as claim 1.

Note that the quoted limitation from claim 1 is the reason the examiner indicated claims 1, 14, and 18 as being allowable if rewritten to overcome objections or §112 rejections (see Final Rejection mailed 9/7/2007 at pages 6-7). And, the examiner specifically noted that claim 8 lacked this limitation in the Final Rejection (see Final Rejection mailed 9/7/2007 at page 2).

The after-final amendments to claim 8 do not give claim 8 substantially the same scope as the other claims (as detailed above). And, they raise new issues that have not been previously considered in regards to the other claims. For example, whether the prior art teaches “compare[ing] a hardware identifier of said storage media with a hardware identifier field in said label” (see claim 8) requires further search and consideration. Accordingly, the examiner has not entered the proposed amendments.

Response to Arguments

Applicant's arguments are moot because they are directed to the proposed amendments, which have not been entered.

Other Observations

In the event that applicant decides to further prosecute this case applicant should be aware that if claim 14 is entered as proposed, it will be rejected under §112, ¶2 for the following reasons.

Claim 14 recites the limitation "said node identifier of said label" in lines 14-15. It is unclear which "node identifier of said label" the limitation refers to because there are multiple "node identifiers" of the label introduced in lines 9 and 11-12.

The examiner's recommends amending the phrase "a node identifier of said label" in lines 11-12 such that it reads, "said node identifier of said label."

Claim 14 recites the limitation "said storage media" in line 8. It is unclear which "storage media" the limitation refers to because there are multiple storage media introduced in line 4 ("an access request to storage media") and line 8 ("accessing storage media").

The examiner recommends amending the phrase "accessing storage media" in line 8 such that it reads "accessing said storage media."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Philip S. Scuderi/